IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Bail Appl..No. 5461 of 2007()

(CRIME NO.258/07 OF THEKKUMBHAGAM POLICE STATION)

: PETITIONER/ACCUSED

MUKESH.M., AGED 17 YEARS,
S/O MURALEEDHARAN PILLAI, MUKKODIVILA ERAKKOM,
MALIBHAGOM, CHAVARA SOUTH P.O.,
KOLLAM, REPRESENTED BY HIS FATHER
MURALEEDHARAN PILLAI.

BY ADV. SRI.K.ABDUL JAWAD

RESPONDENTS: COMPLAINANTS

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
CHAVARA THEKKUMBHAGAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5461 of 2007

Dated this the 17th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under Sections 393 and 454 I.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner, who, without dispute, is a juvenile having been born only on 15.05.1990, can be permitted to appear before the learned Chief Judicial Magistrate, Kollam and claim the benefit of the Juvenile Justice Act.

3. In the result, this application is allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear in the Chambers of the learned Chief Judicial Magistrate, Kollam at 5 p.m on 24.09.07. His application for bail shall be considered by the learned Chief Judicial Magistrate on merits, in accordance with law and expeditiously - on the date of surrender itself;

ii) The petitioner shall give sufficient prior notice to the Prosecutor in charge of the case;

iii) The petitioner shall abide by the orders to be passed by the learned Chief Judicial Magistrate, Kollam on such application;

iv) If the petitioner does not appear before the learned Chief Judicial Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

v) If the petitioner were arrested prior to his surrender on 24.09.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Chief Judicial Magistrate on 24.09.07.

(R.BASANT, JUDGE)

rtr/-